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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-compliance with articles I, III, IV and VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Islamic Republic of Iran

1. Among the major challenges facing the Treaty on the Non-Proliferation of Nuclear Weapons are the cases of non-compliance by certain nuclear-weapon States with their Treaty obligations, for which there is no verification and enforcement mechanism. While there is an established mechanism to verify the obligations under articles II and III of the Treaty for the non-nuclear-weapon States, no similar mechanism has been designed to address non-compliance by the nuclear-weapon States with their obligations under articles I, III (2), IV and VI of the Treaty. One of the main tasks of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is to identify such cases and to find ways and means to address them fully. In this regard, the Islamic Republic of Iran would like to elaborate its views on this issue below.

2. As agreed at the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Preparatory Committee meetings have the mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty and to make recommendations thereon to the Review Conference. Doing so requires a thorough review of the implementation of Treaty provisions related to nuclear disarmament, non-proliferation and the promotion of cooperation on the peaceful uses of nuclear energy, namely articles I, II, III, IV and VI, and of the objectives set out in the preamble to the Treaty.

3. In order to deal with the question of nuclear disarmament, a review is needed of the unfulfilled commitments, considering actual disarmament measures and new initiatives aimed at the total elimination of nuclear weapons. In this respect, the nuclear-weapon States have the main responsibility and Treaty obligation to, in particular, implement the relevant provisions of the Treaty aimed at creating a world completely free from the existence and horror of nuclear weapons.

4. Some significant developments during the past decade have served as a serious setback for the objectives of the Treaty with respect to nuclear disarmament. Given the lofty goal of the Treaty to create a world free from the existence of nuclear weapons, and considering the letter and spirit of the Treaty, it is unfortunate that

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there has been a claim by some that the nuclear-weapon States do not have any legal or even political obligation for nuclear disarmament under the Treaty. In response to such claims, it should be indicated that the International Court of Justice has consensually provided an interpretation of article VI of the Treaty, holding that it requires the nuclear-weapon States "to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". Moreover, the "unequivocal undertaking" by the nuclear-weapon States to eliminate their nuclear arsenals, as reflected in the consensual Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, has already clarified the meaning of article VI of the Treaty.

5. Despite the high expectations of the international community for real change in the United States Nuclear Posture Review, in a manner that removes existing concerns on the role of nuclear weapons, the current nuclear doctrine of the United States of America has not lived up to the expectations of the international community. A review of the United States nuclear policy reveals the continuation of a disturbing trend. The continued emphasis of the new Nuclear Posture Review on maintaining nuclear weapons, relying on the obsolete deterrence policy, allocating billions of dollars to the modernization of the United States arsenals, limiting the reduction of nuclear weapons to decommissioning them and, by doing so, evading the obligation to eliminate them, and coming up with new excuses for keeping nuclear weapons in the new Nuclear Posture Review are clear indications of the continued non-compliance of the United States with its obligations under article VI of the Treaty.

6. There is no doubt that the decision to modernize nuclear weapons and spend billions of dollars to construct new nuclear facilities runs counter to the obligation of the nuclear-weapon States to systematically reduce their nuclear weapons and represents obvious non-compliance with article VI of the Treaty. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the United States has not responded to the concerns expressed over the modernization of its nuclear arsenals and has continued the construction of new installations under the pretext of securing more reliable nuclear weapons.

7. Moreover, the nuclear-weapon States should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular article VI, and their commitments made at the 1995, 2000 and 2010 Review Conferences. In accordance with the commitment reflected in the Final Document of the 2000 Review Conference and action 2 of the action plan of the 2010 Review Conference, any reduction of nuclear weapons, whether strategic or non-strategic, should be done in a transparent, verifiable and irreversible manner. It is a matter of concern that the reductions under the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty) are not internationally verifiable and thus have not removed the concerns of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

8. The United States' nuclear cooperation with the Zionist regime of Israel, as evidenced by the agreement reached during the visit of the Secretary of Energy of the United States to the occupied territories in February 2000, is in fact a violation of article I obligations by the United States, and a source of concern for all States

parties to the Treaty, especially in the Middle East, because it assists the Zionist regime in its secret nuclear weapons programme. This agreement, which was claimed to be for peaceful purposes, is also a clear violation of article III (2), which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible unless the source or special fissionable material shall be subject to the safeguards required by the Treaty. Moreover, the disclosed "top secret document dated 23 August 1974" clearly shows the role of the United States in equipping the Zionist regime with nuclear weapons. The Zionist regime's unsafeguarded nuclear weapons facilities and nuclear arsenal pose a real threat to all countries of the region and to international peace and security.

9. Furthermore, on the issue of nuclear sharing, the nuclear-weapon States are committed to complying with their commitment to the full implementation of article I. They should refrain from nuclear sharing, under any kind of security arrangements, among themselves, with non-nuclear-weapon States parties and those not parties to the Treaty.

10. The transfer of nuclear-related equipment, information, material, facilities, resources or devices, and the extension of assistance in the nuclear, scientific or technological fields to the nuclear weapons capability of States not parties to the Treaty without exception and in particular to the Zionist regime, whose unsafeguarded nuclear facilities endanger security and stability in the Middle East, are in violation of the Treaty obligations and therefore must be stopped immediately and legally banned. In this regard, the Preparatory Committee should recommend to the 2015 Review Conference to make a clear decision to call strongly for putting an end to any kind of nuclear-weapon sharing and to cut any cooperation between the States parties and any State not party to the Treaty that is in violation of their Treaty obligations. The Chemical Weapons Convention could set an example in this regard.

11. In the context of article III, the decision of the Nuclear Suppliers Group, an exclusive and non-transparent group that claims to have been established to strengthen the non-proliferation regime, on nuclear cooperation with a State not party to the Treaty has severely damaged the Treaty. The decision of this Group is a clear violation of article III (2), which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible unless the source or special fissionable material shall be subject to the safeguards required by the Treaty.

12. The said decision, which was taken under pressure from the United States, is also a violation of the commitment of the nuclear-weapon States under the 1995 decision on the principles and objectives for nuclear non-proliferation and disarmament and the Final Document adopted at the 2000 Review Conference to promote the universality of the Treaty. The decision of the Nuclear Supplier Group is in contravention of the obligation of its members regarding the promotion of the universality of the Treaty and has seriously jeopardized its credibility and integrity. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty.

13. By transferring hundreds of nuclear weapons to certain non-nuclear-weapon States under the umbrella of the North Atlantic Treaty Organization (NATO), the United States, for a long time, has been in noncompliance with its obligations under the Treaty, which provides in its article I "not to transfer to any recipient whatsoever

nuclear weapons". The deployed nuclear weapons of the United States in other countries are extremely integrated into the military infrastructure of the hosting countries. This case of non-compliance should not be overlooked during the discussion at the upcoming Review Conference and its Preparatory Committee meetings.

14. Joint research on nuclear warheads between two nuclear-weapon States is a matter of grave concern for non-nuclear-weapon States parties and represents serious non-compliance with article I of the Treaty. According to data published on 9 February 2009, the United States military has been using the atomic weapons facility of the United Kingdom of Great Britain and Northern Ireland to carry out research for its own warhead programme. In this regard, defence officials of the United States have declared that "very valuable" warhead research has taken place at the Atomic Weapons Establishment at Aldermaston in Berkshire as part of an ongoing and secretive deal between the British and American Governments.

15. The efforts to modernize nuclear weapons by clinging to outdated cold war arrangements and justifications raise serious questions for public opinion. Deploying hundreds of nuclear weapons in non-nuclear-weapon States and training the fighter bomber pilots of the hosting countries to prepare for handling and delivering the nuclear bombs of the United States against the nuclear and the non-nuclear weapon States contravene both the letter and the spirit of the Treaty and constitute clear non-compliance with the Treaty by both the United States and the European Union member States. It is noteworthy that the existing Nuclear Posture Review of the United States has clearly confessed the occurrence of such clear noncompliance with the Treaty and declared that the deployed nuclear weapons would remain in the European Union territories. The Preparatory Committee meetings and the 2015 Review Conference cannot and should not be indifferent to this obvious case of non-compliance. Furthermore, the danger of nuclear incidents by terrorist activities requires a viable solution to deal with such transferred weapons. This has compelled many, including parliaments in these countries, to request compliance with the Treaty obligations and the withdrawal of nuclear forces from their territories.

16. The United States and some other nuclear-weapon States are still dangerously persisting in the application of the outdated doctrine of "nuclear deterrence". Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, killing more than 200,000 civilians, the United States has designed and built thermonuclear bombs a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear-weapon States has kept the fate of civilization and of humanity itself under horror and panic. By insisting on keeping nuclear bombs or merely decommissioning part of them, the nuclear-weapon States themselves are the source of proliferation. As long as one nuclear-weapon State or a nuclear power outside the Treaty insists on maintaining the nuclear option, the other nuclear-weapon States will do the same, and this vicious circle will never end. Thus, the non-nuclear weapon States parties to the Treaty that have already forgone the nuclear option are rightly asking why these terrible weapons continue to exist and under what circumstances and for what purposes could the use or threat of use of the world's most destructive weapons ever be justified.

17. The President of France has been quoted as saying that French nuclear forces are a key element in Europe's security. In defiance of its international obligations to diminish the role of nuclear weapons in security policies, France is seeking to find and define new roles and missions for its nuclear forces in order to justify the continued retention of those forces in the post-cold war era. In so doing, it has even resorted to irresponsible methods such as the manipulation of intelligence and fear to promote programmes that its people would otherwise not support.

18. Furthermore, French officials recently announced that they will develop new nuclear plans to modernize nuclear arsenals and the army, and will spend €377 billion on this plan until 2020. This policy is in clear disregard of France's obligations to respect the practical steps agreed to at the 2000 Review Conference and the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty. This development is a matter of grave concern and should be seriously addressed at the Preparatory Committee meetings and the next Review Conference.

19. The decision of the United Kingdom to renew and further develop its nuclear weapons capability by approving the Trident programme is in full contravention of article VI of the Treaty and in defiance of the unanimous decision of the 2000 Review Conference. The Trident programme can generate, and in fact expand, the nuclear arms race beyond the traditional rivalry between the two major nuclear-weapon States, and is thus a special source of concern for the international community and a clear setback in the global efforts to bolster nuclear disarmament and non-proliferation. Despite all calls by the international community and public opinion to stop this project, officials of the United Kingdom announced that billions of pounds would be allocated to a programme to replace Britain's Trident nuclear submarines.

20. Non-compliance with the Treaty obligations is not limited to the violations of articles I, III and VI by the United States and its allies; these States have also constantly violated the provisions of article IV of the Treaty, which provides for international cooperation and the transfer of peaceful nuclear technologies to the States parties to the Treaty. Contrary to such obligations, the United States has been at the forefront of the imposition of unilateral restrictions against the States parties to the Treaty, in particular the developing countries. Such non-compliance with article IV merits thorough consideration at the Preparatory Committee meetings.

21. All non-nuclear-weapon States parties to the Treaty consider the pursuit and the development of nuclear technology for peaceful purposes as their inalienable right and thus can invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programmes can affect the entire industry and all possible sources of supply of material and equipment to the States parties to the Treaty, thus seriously affecting their development plans, in particular in developing countries. Clear violations of article IV obligations by certain States, by depriving States parties of the exercise of their inalienable rights and imposing illegal and unilateral sanctions, are a matter of great concern to developing countries. This issue should be followed seriously at the Preparatory Committee meetings and at the 2015 Review Conference.